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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL MISC. PETITION NO. 584/2000

UMA SHANKAR & ANR. Vs. STATE OF RAJASTHAN

DATE: 23.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.L. Kumawat for the petitioners.

Mr. S.N. Gupta, Public Prosecutor for the State.

The present criminal misc. petition under Section 482 Cr. P.C. is preferred by the petitioners for quashing the proceedings in Criminal Case No. 74/90 pending before the Chief Judicial Magistrate, Alwar for the offence under Section 7/16 of the Prevention of Food Adulteration Act.

In brief the facts of the case are that one Shri Prem Bihari Yadav, Food Inspector filed a complaint on 21.06.90 against the petitioners for the offence under Section 7/16 of the Prevention of Food Adulteration Act regarding an incident alleged to have been taken place on 29.04.88 according to which, there was adulteration in the curd. It is also submitted on behalf of the petitioners that after completion of pre-charge evidence, charges were framed and thereafter

(2)

regular evidence was also led by the Department as also the petitioner. On completion of the evidence by both the parties, arguments were also heard by the Presiding Officer. Even the complainant himself did not care to appear in the Court regularly for hearing.

Learned counsel for the petitioner in support of his submissions has placed reliance on the judgment rendered by the Co-ordinate Bench of this Court in **S.B. Criminal Misc. Petition No. 235/2000- Murari Lal Vs. State of Rajasthan, decided on 12.07.2004**, wherein also the case was pending for the last more than 15 years and prayer was made for quashing the proceedings in that case and after considering the entire facts and circumstances of the case and looking to the nature of allegations made and further the petitioner already having undergone the ordeal of trial for the last more than 15 years, the Co-ordinate Bench of this Court find no justification for continuing the trial proceedings any further in that case and the misc. petition was accordingly allowed and the proceedings pending against the petitioner before the trial Court were ordered to be dropped.

Applying the ratio decided by a Co-ordinate Bench of this Court in the aforementioned case of

(3)

Murari Lal (supra), herein the instant case also, at the time of inspection 600 gm. sample of curd worth Rs. 4.80 was taken and the same was found adulterated. In this case also, the petitioner is facing trial for the last 17 years and de novo trial was already held against the petitioner. Thus, the present case is squarely covered by the ratio decided by this Court in the aforementioned case of **Murari Lal (supra)**.

Accordingly, the present criminal misc. petition is allowed and the proceedings pending against the petitioner before the trial Court in this case are ordered to be dropped. Record be sent back to the trial Court immediately and the trial Court may pass further necessary consequential orders accordingly.

(K.S. RATHORE), J.

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